Remarks

Claims 1-22 are pending in this application, all of which stand rejected under 35 U.S.C. Section 103(a) in view of the proposed combination of U.S. Patent 6,760,767 to Miesbauer et al. and U.S. Patent 6,048,262 to Kawas et al. The rejections of all of these claims are respectfully traversed and the reasons for traversal are set forth as follows with respect to particular claims.

Claim 1

As set forth in its preamble, claim 1 is directed to a method of manufacturing a product having a plurality of components where at least some of the components are manufactured by different companies at differing locations. In contrast, Miesbauer et al is directed to "in-field communication connectivity verification reporting between centralized on-line centers, and a number of in-field subscribing stations" (see Miesbauer et al., Abstract, first sentence). Miesbauer et al. is not directed to manufacturing a product having a plurality of components where at least some of the components are manufactured by different companies at differing locations. For this reason, applicant submits that a person of ordinary skill in the art would not consider Miesbauer et al. to be analogous to that of the present invention and would not consider Miesbauer et al. particularly relevant to the present invention.

Additionally and addressing claim 1 step-by-step, claim 1 is novel and patentable over the prior art of record for the following reasons.

The Examiner asserts that claim 1's requirement of "developing an electronic specification describing the product and its components" is disclosed in Miesbauer et al. at column 7, lines 9-26. The Examiner is requested to reconsider this statement inasmuch as the information relied upon by the Examiner is described in column 7, lines 5-8 as "a data form checklist" which is filled out by authorized personnel to initiate the system. The data checklist is described as including the system ID and other information. Applicant submits that a "data form checklist" is not "a specification" either as defined by a person of ordinary skill in the

art or as described in the Specification on page 22, lines 10 and 11, as "the Specification 162 describes how the parts and components are generally assembled into the products 10". Applicant submits that the data form checklist of Miesbauer et al. does not meet the "specification" requirement of claim 1.

Inasmuch as applicant submits that Miesbauer et al. does not disclose an electronic specification, the electronic specification cannot be forwarded to one several companies as is required by the next claim element in claim 1 and therefore the forwarding requirement is not met.

To meet the requirement "the specific company appending the test results to the electronic specification" the Examiner relies on Miesbauer et al., column 9, lines 5-63. Applicant submits this reliance is not appropriate since column 9, lines 62 and 63 of Miesbauer et al. state "this problem/solution report has been appended to the file created in 246". Miesbauer et al. states at column 9, lines 53 and 54 that "a connectivity report is created based on the results and then posted to a file at 246". Applicant submits that test results are not appended to an electronic specification. To this claimed requirement, the problem solution report should be appended to the data form checklist. This is not the case and applicant submits that Miesbauer et al. does make the disclosure relied upon by the Examiner regarding this claim requirement.

Applicant also disagrees that the requirement "the specific company determining if the product is completed" is disclosed by the checkout language in Miesbauer et al., column 9, lines 55-59. The checkout language determines if "a customer is entitled to use the system and has completed the necessary agreement" (see Miesbauer et al., column 9, lines 51 and 52. Applicant does not consider that "a customer" can constitute "a product" and therefore this claim requirement cannot be met as construed by the Examiner.

The Examiner relies on Miesbauer et al., column 10, lines 1-6 to fulfill the requirement of "either shipping the completed product to the customer or forwarding the electronic specification with appended test results to another one of the several companies". However, since the Examiner relies on the data checklist described in the first full paragraph of column 7 to fulfill the electronic specification requirement, applicant submits that sending an e-mail with the connectivity report does

not meet either the requirement of shipping the completed product to the customer or the requirement of forwarding the electronic specification with appended test results to another one of the several companies and that this claim element is not met by Miesbauer et al.

In view of the foregoing, applicant submits that Miesbauer et al. does not disclose the claimed invention, does not suggest the claimed invention, is not analogous art, and would not be considered relevant to the present invention by a person of ordinary skill in the art. Claim 1 is therefore submitted to be novel and patentable in view of Miesbauer et al.

Applicant agrees with the Examiner that Miesbauer et al. does not disclose the requirement of "the specific company building the component or product in accordance with the requirements in the electronic specification". Kawas et al. is relied on by the Examiner to remedy this deficiency and to provide the requirement of "the specific company building the component or product in accordance with the requirements in the electronic specification". Applicant submits that Kawas et al. does not disclose any of the other deficiencies of Miesbauer et al. noted above and that the proposed combination of Kawas et al. and Miesbauer et al. would not result in the claimed invention particularly with regard to the claim requirement of specific company appending the test results to the specification.

Applicant further submits that a person of ordinary skill in the art would not combine the in-field communication connectivity verification reporting system and method of Miesbauer et al. with the computer aided design and method of an apparatus for networks of Kawas et al. without a compelling reason to do so. The Miesbauer et al. verification and reporting system are considerably different than the Kawas et al. computer aided design method since these documents are non-analogous art and are in unrelated subject areas.

Applicant also submits that there is no reason to make the combination proposed by the Examiner provided in either reference and that the Examiner has failed to meet the Examiner's burden of identifying such a reason.

Applicant further submits that even if the combination were made, the combination lacks the claim elements noted above and that there is no reason in the documents to make the further modifications necessary to reach the claimed invention.

Applicant also notes that Miesbauer et al. was not published until July 6, 2004, a date which is many years after the present applications filing date. Therefore, a person of ordinary skill in the art, in practical terms, could not have made the proposed combination.

For all the foregoing reasons, claim 1 is submitted to be novel and patentable in view of the prior art of record whether taken individually or in combination.

Claim 3

In addition to the previously noted deficiencies, and in addition to the comments made below in the claim 4 discussion regarding the failure of the references to disclose a bill of materials, applicant submits that neither Kawas et al. nor Miesbauer et al. discloses the step of providing a bill of materials for the components and the product at the time an electronic specification is developed. The provision of the bill of materials at the time the electronic specification is developed is a requirement which is not met either by Miesbauer et al. or Kawas et al.

Claim 4

The step of periodically comparing the bill of materials to the electronic specification to verify the accuracy of both is not met by either Miesbauer et al. nor Kawas et al. with regard to either the periodically comparing requirement, the electronic specification requirement, and the verification of the accuracy of both requirement.

The Examiner relies on Kawas et al.'s discussion at column 5, lines 35-42 with regard to a bill of materials requirement but applicant notes that this language actually describes an infrastructure specification which is introduced at column 4, lines 21-26, by language which states that a processing device retrieves a number of infrastructure specifications of the network from the database and that one type of infrastructure specification is the physical locations to house the network. Kawas et al. goes on to state that based on the infrastructure specifications, the processing device generates a design that defines the characteristics needed in the products of the desired network. Therefore, the infrastructure specifications are design requirements, not a bill of materials requirement.

Consequently, claim 4 is submitted to be independently novel and patentable.

Claim 6

Claim 6 in submitted to be independently novel and patentable. The Examiner asserts that claim 6's requirement of comparing an updated version of the electronic specification with an electronic specification having appended test results is met by Miesbauer et al.'s connectivity report and upgrade disclosures. However, the Examiner has asserted that the electronic specification is disclosed based upon the data form checklist of Miesbauer et al. and applicant submits that the disclosures of Miesbauer et al. relied on by the Examiner in rejecting this claim are not related to the data form checklist. Miesbauer et al. does not compare the data form checklist with anything as required by this claim. Claim 6 is therefore submitted to be independently novel and patentable.

For the same reason, claim 8 is submitted to be novel and patentable.

Claim 9

Claim 9 is directed to a method of integrating the manufacture of a product by a plurality of businesses as is stated in the preamble of claim 9. Neither Miesbauer et al. nor Kawas et al. is so directed and therefore neither document is particularly relevant to the invention claimed in claim 9.

Claim 9 includes the steps of generating a sales order in an electronic form and converting the sales order to an electronic build document. The Examiner previously relied on the data form checklist to meet the electronic specification requirement of claim 1 and is now relying on that same language to meet the generating a sales order in electronic form. Applicant submits that the sales order requirement is not met by Miesbauer et al. whether taken in context of the specification or in the context of a person of ordinary skill in the art. Applicant further submits that even if the data form checklist could be in some way construed to be a sales order, there is no disclosure in Miesbauer et al. to then convert that sales order to an electronic build document. If the

data form checklist is the "sales order" (which applicant disputes), applicant challenges the Examiner to identify the language in Miesbauer et al. which discloses converting that data form checklist into an electronic build document.

Applicant submits that the Examiner's reliance on Miesbauer et al.'s language of "receiving product data electronically" does not meet the requirement of transferring an electronic build document to a first company for construction of a first subassembly of a product. Applicant specifically submits that Miesbauer et al. makes no disclosures regarding transferring electronic build documents to a first company and makes no disclosures regarding construction of a first subassembly for a product. It is submitted that Miesbauer et al. can never meet this claim requirement.

The Examiner relies on language in Miesbauer et al. at column 8, lines 43-47 to meet the requirement of "testing the subassembly of the first company". In order for this construction to work, the test initiated must necessarily be in some way related to the receiving product data electronically language that the Examiner relies on to meet the first assembly requirement in the preceding paragraph of this response. However, Miesbauer et al. at column 8, lines 43-47, has language regarding affirming "the correctness and authenticity of the file" and makes no disclosures with regard to either the first subassembly requirement of claim 9 or any discussion with regard to the product data brought on by the Examiner. Consequently, this claim requirement is not met by Miesbauer et al.

Miesbauer et al. makes no disclosures regarding forwarding the electronic build document to a second company for main assembly.

Miesbauer et al. makes no disclosures regarding attaching a first communications bus to the product. Applicant specifically disagrees with the Examiner's construction of Miesbauer et al. wherein language in the Miesbauer et al. abstract regarding a configuration module is relied upon. The language relied on states:

> "the configuration module has been transmitted to the subscribing station by the on-line center. The configuration module is located in the subscribing station to allow future communications between the on-line center and the subscribing station".

No disclosures are made regarding a communications bus, a product, or attaching the communications bus to the product. In this regard, applicant submits that the Examiner's construction of this claim element is physically impossible and that a communications bus cannot be attached to a "file" or to "product data" in accordance with the construction of previous claim elements of this claim 9.

Claim 9 includes the requirement of attaching a communications bus to the product, testing the operability of the bus, and adding the bus operability test results to the electronic build document. Applicant submits that Miesbauer et al. does not disclose attaching a communications bus to their product. Applicant submits that Miesbauer et al. does not disclose testing the operability of the bus. Applicant submits that Miesbauer et al. does not disclose adding the bus operability test results to the electronic build document. The Examiner's reliance on Miesbauer et al. for these elements is not correct and is not supported by the disclosure of Miesbauer et al. If the Examiner maintains this rejection, the Examiner is requested to specifically identify a sales order, an electronic build document, a first subassembly, the test results, the product, a communications bus by reference numeral in Miesbauer et al. and to explain how the specific steps of this claim 9 are shown by Miesbauer et al. Applicant submits that the Examiner will be unable to do this for the simple reason that Miesbauer et al. does not make these disclosures relied upon by the Examiner.

Applicant submits that Miesbauer et al. does not disclose the step of attaching the first subassembly to the bus.

The Examiner also states that Kawas et al. discloses a sales order relying on maximum price language at column 4, lines 36-39. However, applicant submits that the Examiner has ignored the word "discounts" in Kawas et al. and that a "maximum price discount" is not a sales order.

The Examiner concedes that Miesbauer et al. does not disclose the step of forwarding the electronic build document to a second company for main assembly but submits that Kawas et al.'s disclosure of a communications characteristic in two physical locations meets this requirement. However, Kawas et al. does not disclose forwarding an electronic build document that is required by the claim. The language

relied on by the Examiner appears to specify two products housed in two physical locations with common communications characteristics. The disclosure makes no reference to forwarding a build document between two companies.

Applicant also notes that the Examiner concedes that neither Miesbauer et al. nor Kawas et al. specifically disclose attaching the first subassembly to the bus, testing the operability of the first subassembly in the bus, and attaching the first subassembly in bus operability test results to the electronic build document. To remedy this deficit, the Examiner states that "official notice is taken that it is old and well known in the signal processing art to attach the first subassembly to the bus, test the operability of the first subassembly in the bus and attach the subassembly and bus operability test results to the electronic build document".

Applicant respectfully challenges this Official Notice for several reasons.

The present invention replies to a method of integrating the manufacture of a product by a plurality of businesses. The Examiner has made no statement regarding why knowledge in the "signal processing art" is particularly relevant to the claimed invention nor has the Examiner explained how the signal processing art relates to the communication connectivity verification reporting of Miesbauer et al. and the computer aided design system of Kawas et al. Applicant particularly submits that Kawas et al. and signal processing art are generally unrelated.

Applicant also notes that the Examiner has asserted that three separate steps are known in the signal processing art but has not stated that these three separate steps are known in a single reference. Applicant submits that these three separate steps are not known in a signal references and challenges the Examiner to produce such a reference or withdraw the reliance upon Official Notice.

Applicant further submits that the claim elements relied on to be provided by the Official Notice are generally unrelated to Kawas et al. and Miesbauer et al. and that a person of ordinary skill in the art would not combine three, four or five separate references relied upon by the Examiner in taking Official Notice to reach the claim elements of claim 9

without a reason to do so. No such reason has been identified, particularly with regard to the official notice, and applicant submits that the proposed combination would not and could not be made by a person of ordinary skill in the art.

For all the foregoing reasons, claim 9 is submitted to be independently novel and patentable in view of the prior art whether taken individually or in combination.

Claim 10

Claim 10 is directed to a method of doing business and includes four steps (1) generating a sales order representative of a products, (2) developing build and test instructions from the sales order (3) developing an installation sequence from the build and test instructions, and (4) building the product using the build and test instructions in the sequence laid out by the installation sequence.

Applicant specifically disagrees that the system ID information relied upon by the Examiner and identified in Miesbauer et al. as "a data form checklist" constitutes a sales order representative of a product.

Furthermore, applicant specifically submits that the data form checklist of Miesbauer et al. is not used in Miesbauer et al. to initiate the dial out test. Therefore, Miesbauer et al. therefore cannot disclose the steps of developing build and test instructions from the sales order. Specifically, the "known file" of Miesbauer et al. is not developed from the "data form checklist" of Miesbauer et al. The claim language of Miesbauer et al. relied upon by the Examiner at column 14, lines 40-44 states transferring a known file from the subscriber station to the on-line center to ensure proper configuration of the subscribing station and if the subscribing station is a call out feature, initiating a dial out test. It is submitted that the build instruction development requirement of this claim element is not disclosed by this language.

With regard to developing an installation sequence from the build and test instructions requirement, the Examiner relies on the language "a configuration module is created with the system specifications in order to communicate based on product type, how and when the product

was developed, and the customer data, and upon language in column 8, lines 43-47 to the effect that the on-line can confirm the correctness and authenticity of the file and thus the connection and configuration. Applicant submits that the installation sequence development language of this claim requirement is not met by this disclosure and there is no disclosures regarding installation and no disclosures regarding sequences of installation.

Applicant agrees with the Examiner that Miesbauer et al. does not specifically disclose building the product using the build instructions and test instructions in the sequence laid out by the installation sequence.

Applicant also submits that Miesbauer et al. does not disclose claim 10 in terms of its sequence of claim elements. In this regard, the Examiner asserts that Kawas et al. discloses building the product using the build instructions in the sequence laid out by the installation sequence based on language in Kawas et al. concerning generating a product design that is based on specifications. However, as noted previously, the language in Kawas et al. refers to the processing device generating a design that defines characteristics needed in the products of a desired network based at least on infrastructure specification. Kawas et al. does not disclose a sales order representative of a product, does not disclose build and test instructions developed from the sales order, and does not disclose an installation sequence developed from the build and test instructions. Therefore, claim 10 is submitted to be novel and patentable in view of Kawas et al. whether taken individually or in combination with Miesbauer et al.

As previously noted, the computer aided design system and the communications verification connectivity and reporting system of Miesbauer et al. are unrelated and a person of ordinary skill in the art would not combine those references. Initially, if combined, the references would not disclose the invention as noted in the foregoing remarks and the references include no reason to further modify the proposed combination to address the deficiencies of the combination.

Consequently, claim 10 is submitted to be novel and patentable in view of Miesbauer et al. and Kawas et al. whether taken individually or in combination.

Claim 13

Applicant disagrees with the Examiner's statement that Miesbauer et al. discloses wherein the developing and installation sequence step is accomplished by a tester device which also oversees the building step (column 8, lines 37-47, known stored files from subscribing station represents the tester). It is submitted that a file is not a tester device and it is further submitted that a file does not oversee the building step. Thus claim 13 is submitted to be novel and patentable in view of Miesbauer et al.

Claim 14

Claim 14 includes the requirement of calling for the next input or output component to be operably connected to the communications bus as identified by the installation sequence and verifying the operability of the component and the bus. The Examiner's agrees that Miesbauer et al. does not disclose this claim element but states that Kawas et al. language relative to "retrieving additional specifications and repeating the step of validating" does make this disclosure. Applicant respectfully disagrees. Retrieving additional specifications does not meet the requirement of calling for a component to be operably connected to a communications bus as identified by a installation sequence. This claim is submitted to be novel and patentable.

Claim 15

Claim 15 requires receiving a first signal from the component by means of a bus and determining a unique identity for the signaling component and responding by means of a bus with a second signal to the component providing the component with an identity. The Examiner relies on the claim language of claim 14 of Miesbauer et al. to meet this requirement by making assumptions regarding what must occur for a connectivity report to be generated. Applicant submits that these assumptions are not justified inasmuch as Miesbauer et al. at column 9, line 53 and following states when a connectivity report is generated with

specific relevance to reference numeral 246 of Figure 6. Applicant notes that the box associated with reference numeral 246 of Figure 6 states "develop report based on results and post file" and makes no disclosures regarding receiving a first signal from the component, makes no disclosures regarding determining a unique identity for the signaling component, and makes no disclosures with regard to responding with a second signal to the component providing the component with an identity. Consequently, claim 15 is submitted to be independently novel and patentable in view of the prior art of reference whether taken individually or in combination.

Claim 17

The foregoing comments with regard to the bill of materials and specification are relevant but are not repeated.

Claim 18

The Examiner states that Miesbauer et al. discloses at column 4, lines 40-44, i.e. claim 15, that transferring a known file and initiating a dial out test discloses the step of using the specification to create a build and test file. Applicant disagrees on the basis that transferring a known file and initiating a dial out test does not disclose the step of creating a build and test file using a specification.

Claims 20-22

These claims appear to be rejected upon Bradberry et al. However, per applicant's Response B dated December 15, 2005, Bradberry et al. is not a reference to the present application. Reconsideration and withdrawal of this rejection is requested.

Comments with Regard to All Claims

Aside from the lack of a reason to combine Miesbauer et al. and Kawas et al. and to then modify and combine them to overcome the remaining deficiencies, applicant submits that Miesbauer et al. is non-analogous art to the claimed invention and that Miesbauer et al. does not disclose or suggest the claimed invention. In fact, it is applicant's position that Miesbauer et al. is so removed from the claimed invention that the Examiner cannot identify the claimed elements and claimed relationships in Miesbauer et al. by reference numeral and/or column and line number. If the Examiner disputes applicant's position, applicant requests that the claimed elements and relationships be so identified by reference numeral and/or column and line number. Applicant submits that this cannot be done because the disclosures of Miesbauer et al. are inadequate for that purpose and that all rejections based on Miesbauer et al. should be reconsidered and withdrawn.

In view of the foregoing comments, reconsideration and withdrawal of the rejections based on 35 U.S.C. Section 103 is respectfully requested.

Respectfully Submitted,

William O'Driscoll
Registration No. 33,294

Telephone Number: (608)787-2538